

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Bill Hobbs, Vice Chairman, presiding.

Members Present: Bill Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: Mary Jane Baker.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with one member Mary Jane Baker being absent.
2. The minutes of the December, 2009 meeting was distributed to each member prior to the meeting. Member Maxwell made a motion to approve the minutes with the corrections as stated. Member Durham seconded the motion. The vote was unanimous in favor of the motion.

There are no minutes for the January, 2010 meeting as it was cancelled.

New Business

1. **Petition: 2010-SU-001 Special Use Zoning: AG**
Address: 4791 West CR 900 South, Pendleton
Location: South side of CR 900 South, west of CR 400 West
Petitioner: Nutrition 101 / Cory Peter and Todd Kalesperis
Request: Special Use to provide for the ancillary storage of plastic bottles associated with an agricultural feed operation.

Dick Donnelly, Consultant 1650 Broadway, Anderson, Cory Peter, Head of Nutrition 101, Ron Pritiski, Attorney and Steve Servies, from Rayl Surveying were present representing this request.

Mr. Donnelly confirmed this has been before the Drainage Board and has obtained conceptional approval and should get the final approval tomorrow. They had to make some changes which have been done.

Mr. Donnelly told the Board, Nutrition 101 is from Illinois and want to re-locate their headquarters to Madison County. They have purchased these 100 acres just east of the State Police firing range, south west of Pendleton.

The site consists of an 80 acre tract and a 20 acre tract. However, only they plan to develop doing the northeast corner of the 80 acre parcel. On the site it shows there is only one entrance to the building; off of Co. Rd. 900S. The building will be on the northeast side of the property and the rest of the ground will be farmed. There are no plans at this time no long term plans to expand.

The process proposed for the facility:

Nutrition 101 takes products from places like Nestles and reuses them for animal feed. The milk is put in tanker trucks and shipped out for cow and pig feed. The plastic is what is recycled. Everything is done inside the building. Nutrition 101 plans to spend a million dollars on this project.

There is only one truck in and one out per day. This would be either the tanker with the milk product or the baled plastic bottles. Everything will be sealed and properly stored.

Cory Peter told the Board this product is generated from Nestles. This site is for the headquarters and the recycling of the product. The product is taken to selected customers as a liquid feed product. Nutrition 101 delivers the product and the farmers use as needed.

We expect to have five to ten employees. There are three of us who are relocating here from Illinois. Nutrition 101 has been looking for a new facility as our business has expanded to 13 states and with Nestle, this was a good fit. We could relocate anywhere but we wanted to move further east.

Steve Servies informed the Board there will be a dry detention area, not a holding pond. It will be under drained and tied into the Levi Harger Drain. The Drainage Board is in the process of rebuilding that drain under the railroad. There has been an agreement made between the railroad and the Drainage Board.

Mr. Donnelly told the Board Co. Rd. 900S is not in the best of shape but in speaking with the county engineer, Chuck Leser, he did not see a need to add more surface area. The traffic is minimal. There might be some drainage issues as there is no side ditch.

Director Wilson stated the only hang up for this project was the issue of the plastic bottles being stored and waiting to be taken off site. If given approval by the Board, I see no reason why they would have to come back for additional approval. The Board could put a condition on this that if there were an expansion of the property that they would have to come back in a year to see how things were going.

Staff Report:

The subject site consists of two parcels totaling 80 acres, located just south of State Road 67, adjacent to the Indiana Department of Correction facility and State Police Post. The property is zoned AG (agriculture) and is bordered by a number of different zoning classifications and uses. To the north is an undeveloped residential-two (R-2) parcel and a neighboring single-family dwelling, to the west is institutional (IS) improved with a juvenile detention facility and police station; east and west of the site are agriculture (AG) zoned lots used for farming. The Comprehensive Plan recommends residential, agriculture or institutional development for this area. This request would provide for the ancillary storage of plastic bottles associated with an agricultural feed operation.

Nutrition 101 is currently an Illinois-based company that is looking to relocate their headquarters to Madison County. The company began as an animal feed manufacturing business and has been in operation for 22 years. In 1995 the company sold the dry feed portion of the business and began to focus on liquid feed products. The company now manages programs to feed liquid byproducts generated by dairy plants and food manufacturers back to livestock.

Nutrition 101 has been asked by NESTLE to design a system to take milk that has not passed the quality control inspection out of bottles, which are to be recycled, and transfer the liquid to a storage tank. From the tank, the liquid feed is then transported to farm customers within the area to be fed to livestock. Nutrition 101 expects an average of one box truck of product to be delivered from NESTLE per day and one tanker truck to leave the site every three days. Further, it is anticipated that about one semi truck of plastic bottles will leave the facility per week.

According to the site plan, an approximately 12,000 square foot, post-frame structure consisting of 10,000 square feet devoted to storage, shop and feed transfer and 2,000 square feet used for office space. The structure would be oriented towards State Road 67, and constructed at the north-eastern portion of the site. The loading docks/bays will be at the rear of the structure, not visible from SR 67, with the drainage pond located between the front elevation and SR 67. Landscaping will be consistent with the requirements for the GC district.

The Madison County Land Use & Development Code permits “Agriculture product sales, distribution and storage” as a use within the agriculture (AG) district. This regulation has been adapted to the AG district to provide flexibility and support for the many agri-businesses located within the County. However, nowhere in the code does it provide for temporary storage of non-farming related equipment (plastic bottles), which is the reason for this Special Use request.

There is no smell from the product; there is no product that is being manufactured on site; they are taking a product that has all ready been produced and dumping it in to a storage tank. This is one of the best locations that they could have picked.

There is a single family residence in the area. The area is dominated by a number of land uses. For something like this that is not asking for any zone change and that does propose to farm the ground right up to the proposed structure, the staff saw this as a good area and does recommend approval. Staff has asked the petitioners and they have agreed to work within the confines of the General Commercial Zoning Ordinance with regards to landscaping as well as the Corridor Overlay that we have for St. Rd. 67.

The second parcel does not fall within the Corridor Overlay of St. Rd. 67. However, the petitioners have designed their building, the site and the materials meet that district.

Fall Creek Regional Waste District is located in the area where this property is located. Water has not been developed to this property. The Health Department has agreed to a well for this area. Their water usage will be less than that of a typical home. It will take some time to get water to service the area.

Rex Heath, 900S.

Mr. Heath informed the Board he owns the house to the northwest corner of this parcel.

Mr. Heath told the Board he is very concerned with the drainage he has on his property and the problems this could potentially cause.

George Neal, 901 N Main St., Fortville.

Mr. Neal informed the Board he is also concerned with the drainage and if this would devalues his property.

Patrick Manship, County Surveyor was present.

Mr. Manship told the Board the hard surface will drain to the south and this problem is being looked in to. In his opinion he didn't see where this was going to create additional drainage problems for surrounding property owners.

Member Hobbs stated the discussion needed to get back to the main concern of this Board, which is the land use. This only concerns the accessory building that is to house the plastic containers. All drainage problems are to be taken before the Drainage Board and not this Board.

Member Maxwell made a motion to approve Petition #2010-SU-001 per staff recommendations. The landscaping is to be General Commercial which was volunteered; the overlay design will be used in the design; to be hooked to Fall Creek Regional Waste sewer; there will be a well; any new expansion as far as buildings or other business on this ground shall come back to the Board to be viewed so the Board would know what's going on the property.

Member Durham seconded the motion.

Ron Pritiski. Attorney told the Board Nutrition 101 doesn't want to be tied down when they make the investment here. If they obtain a Special Use they think it should remain a Special Use and they should not be subjected to additional requirements. They understand they do have to obtain building permits, go to the Drainage Board, through all of the governmental rules and regulations. They would respectfully ask that they not be required to come back to the BZA to get something approved which is already allowed in the ordinance. If you see fit to grant the Special Use it would be an approved Special Use.

Member Maxwell explained his thinking, if they were going to make expansions, they could start receiving containers which we have not discussed. So, they might need another storage building and if that happens I feel that is adding to what they have proposed. And I would just like to see a site plan before that building is built. That has nothing to do with the Special Use. If that is approved today then that is approved. I am strictly talking about any building expansions.

Mr. Peter replied he would have no problem with that.

The vote was unanimous in favor of the motion. **Petition #2010-SU-001 was approved.**

2. Miscellaneous – Election of Officers

Member Hobbs nominated Member Mary Jane Baker for Chairman of the Board, seconded by Member Maxwell. The vote was unanimous in favor of the motion. Mary Jane Baker is Chairman of the Board for 2010.

Member Maxwell nominated Member Hobbs for Vice Chairman, seconded by Member Stewart. The vote was unanimous in favor of the motion. Member Hobbs is Vice Chairman of the Board for 2010.

Member Maxwell nominated Gerald Shine for attorney of the Board, seconded by Member Hobbs. The vote was unanimous in favor of the motion. Gerald Shine will serve as attorney for the board for 2010.

Member Maxwell nominated Beverly Guignet for secretary of the Board, seconded by Member Hobbs. The vote was unanimous in favor of the motion. Beverly Guignet will serve as secretary of the Board for 2010.

Member Maxwell moved to retain Cory Wilson as Director of the Planning Commission and the BZA. Seconded by Member Hobbs. The vote was unanimous in favor of the motion. Cory Wilson will serve as director of the Plan Commission and BZA for 2010.

Member Durham made a motion, seconded by Member Stewart to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 10:16:11 A.M.

Bill Hobbs, Vice Chairman

Beverly Guignet, Secretary

